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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/576,055	TANAKA ET AL.	
	Examiner	Art Unit	
	DAVID YI	2441	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 May 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 April 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communication filed 05/22/2009.

2. Claims 1-24 have been amended.

3. Claims 1-24 are pending for examination.

Specification

4. **The disclosure is objected to because of the following informalities:**

The following guidelines illustrate the preferred layout for the specification of an application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.
(b) CROSS-REFERENCE TO RELATED APPLICATIONS.
(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
(f) BACKGROUND OF THE INVENTION.
    (1) Field of the Invention.
    (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
(g) BRIEF SUMMARY OF THE INVENTION.
(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
(i) DETAILED DESCRIPTION OF THE INVENTION.
(j) CLAIM OR CLAIMS (commencing on a separate sheet).
(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

Content of Specification

(a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.

(b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.

(c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.

(d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).

(e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

(f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:

(1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."

(2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."

(g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

(h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.

(i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

(j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

(k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual

Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

(l) Sequence Listing, See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Appropriate correction is required.

Claim Objections

5. **Claims 18-22 are objected to because of the following informalities:**

Re claims 18-22, claims 18-22 line 1 contains the phrase "A program" respectively, examiner suggests "A computer-readable medium storing a program".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claims 2, 3, 10, 17, 18, and 19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Re claim **2, 3, 10, 17, 18, and 19**, claim 2 line 2, claim 3 line 3, claim 10 line 4, claim 17 lines 6 and 10, claim 18 lines 7 and 14, and claim 19 lines 7, 11, and 15 recites "within a range". The use of the term "within a range" is confusing and renders the claim indefinite. In order to set a corresponding range, both an upper and lower bound must be given, it is unclear what the lower bound of the range encompasses. Clarification and correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 1, 7, 9, 15, 17, and 23 are rejected under 35 U.S.C. § 102(b) as being anticipated by Nomura et al. (US 20030081595), hereinafter referred to as Nomura.**

Re claim 1, **Nomura** discloses a computer-implemented distribution request management method, comprising:

setting a maximum number of distributable requests arbitrarily for requests (*set or change the maximum number of client connections to be connectable to the server* **[0015]**) from one communication network to one or plural content providing servers

provided on another communication network (**fig. 1 and [0033]**), said requests being made for distribution of signals including data of contents (*distributes music or video contents* **[0004]**);

sending said requests sends said signal distribution requests to said contents providing servers as long as a number of said requests is within a range not larger than said maximum number (**[0098]**).

Re claim 7, **Nomura** discloses a computer-implemented distribution request management method, wherein:

when a request management means for managing requests which are made from one communication network to a content providing server provided on another communication network (**fig. 1 and [0033]**) and for distribution of signals including data of contents in a streaming format (*video streaming (low image quality) video streaming (high image quality)* **[0107]**) concludes that a signal including data of a specific one of said contents requested by said signal distribution requests is a signal out of an arbitrarily defined bandwidth range, said request management means prevents distribution of said signal including data of said specific one of said contents (*If the connection is judged to be impossible through the primary to tertiary judgments or if the LSP for bandwidth reservation cannot be connected on the MPLS network, the path setting unit 80A instructs the packet buffer 50 to cancel the relevant packet, thereby, the packet including the connection request message stored in the packet buffer 50 can be cancelled* **[0199]**).

Re claim 9, **Nomura** discloses a distribution request management apparatus comprising:

A processor and memory (**fig. 2 and [0054]**) and being provided on a communication network between one communication network and another communication network (**fig. 1 and [0033]**), wherein requests for distribution of signals including data of contents are sent from said one communication network to a content providing server provided on said another communication network (*A client CL (for example, CL1) transmits a packet (connection request packet) including a connection request message to the server SV* **fig. 1 and [0042]**) when the processor determines that the number of said requests for distribution of signals is within a range not larger than a maximum number of distributable requests set arbitrarily (**[0098]**).

Re claim 15, **Nomura** discloses a distribution request management apparatus comprising a processor and a memory and being provided on a communication network between one communication network and another communication network, in which:

When said processor concludes that a signal including data of contents in a streaming format (*video streaming (low image quality) video streaming (high image quality)* **[0107]**) and requested by a distribution request from a processing apparatus on said one communication network is a signal out of a arbitrarily defined bandwidth range, said signal including data of said contents is not distributed from a content distribution apparatus on said another communication network to said one communication network

(*If the connection is judged to be impossible through the primary to tertiary judgments or if the LSP for bandwidth reservation cannot be connected on the MPLS network, the path setting unit 80A instructs the packet buffer 50 to cancel the relevant packet, thereby, the packet including the connection request message stored in the packet buffer 50 can be cancelled* **[0199]**).

Re claim 17, **Nomura** discloses a computer-readable medium storing a program which, when executed by a computer, performs a distribution request management method the method comprising:

determining whether a number of signals transmitted from one communication network and including instructions of requests to distribute signals including data of contents is a number within a range not larger than a maximum number of distributable signals set arbitrarily, or not **[0095 – 0098]**; and

sending said signals transmitted including said request instructions of requests to a content providing server provided on another communication network when it is concluded that said number of said signals transmitted is a number within a range not larger than said maximum number of distributable signals (**[0098]**).

Re claim 23, **Nomura** discloses a computer-readable medium storing a program which, when executed by a computer, performs a distribution request management method, the method comprising:

when it is concluded that a signal including data of a specific one of contents in a streaming format (*video streaming (low image quality) video streaming (high image quality)* **[0107]**) and requested by a distribution request from one communication network to a content providing server provided on another communication network (**fig. 1 and [0033]**) is a signal out of an arbitrarily defined bandwidth range, preventing signal distribution including data of said specific one of contents (*If the connection is judged to be impossible through the primary to tertiary judgments or if the LSP for bandwidth reservation cannot be connected on the MPLS network, the path setting unit 80A instructs the packet buffer 50 to cancel the relevant packet, thereby, the packet including the connection request message stored in the packet buffer 50 can be cancelled* **[0199]**).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. **Claims 2, 3, 5, 6, 10, 11, 13, 14, 18, 19, 21, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nomura, as applied to claims 1, 9 and 17 above, in view of Kochanski (US 20030187746).**

Re claim 2, **Nomura** discloses a distribution request management method according to claim 1, yet does not explicitly suggest wherein a reserved number is set arbitrarily within a range not larger than said maximum number, and a space for requests for distribution of signals including data of each of one or plural specific contents is held to correspond to said reserved number.

However, **Kochanski** teaches a reserved number is set arbitrarily within a range not larger than said maximum number (*a minimum paid-for volume of download requests, and a maximum volume of download requests* **[0025]**), and a space for requests for distribution of signals including data of each of one or plural specific contents is held to correspond to said reserved number (*include the total amount of storage space that is available for file storage, and, for each specified time interval, the amount of bandwidth that is available for servicing download requests* **[0025]**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of **Kochanski** related to servicing download requests on the method of **Nomura** to implement a minimum paid-for volume of download requests in order to provide a guaranteed minimum volume of download requests (see **[0025] of Kochanski**).

Re claim 3, **Nomura- Kochanski** discloses a distribution request management method according to claim 2, wherein an upper limit reserved number not smaller than said reserved number is set arbitrarily within a range not larger than said maximum number for each of said specific contents (*upper limit number for connections to the server can also be limited for every application,* **Nomura [0100]**), and requests for distribution of signals including data of said specific contents (**Nomura fig. 5 and [0094]**), the number of which requests is larger than said reserved number and not larger than said upper limit reserved number (*impose an upper limit on the permissible volume of download requests that it receives,* **Kochanski [0025]**), are sent to said content providing servers as long as the number of said signal distribution requests is within a range of a number obtained by subtracting said reserved numbers assigned for said specific contents from said maximum number (*the range for the number of requests is at least for a guaranteed minimum volume of download requests and at most and a maximum volume of download requests* **Kochanski [0025]**).

Re claim 5, **Nomura- Kochanski** discloses a distribution request management method according to claim 2, wherein, when it is concluded that reservation start conditions are satisfied for requests for distribution of signals including data of one of said specific contents (*Bids will typically be for cache resources reserved for discrete blocks of time, beginning at the current time or a stated future time* **Kochanski [0028]**), a free space is assigned to said requests so as to hold a space corresponding to said set reserved number until said assigned free space reaches said reserved number (*include the total amount of storage space that is available for file storage* **[0025]**) as long as said assigned space is within a range of a number obtained by subtracting said reserved numbers assigned for said specific contents from said maximum number (*the range for the number of requests is at least for a guaranteed minimum volume of download requests and at most and a maximum volume of download requests* **Kochanski [0025]**).

Re claim 6, **Nomura- Kochanski** discloses a distribution request management method according to claim 2, wherein:

when it is concluded that reservation termination conditions are satisfied for requests for distribution of signals including data of one of said specific contents, said held space corresponding to said reserved number is released (*The connection judging process unit 90 notifies the received LSP identifier to the path setting unit 80 and the path setting unit 80 releases this LSP to effectively use the resources* **Nomura [0147]**).

Re claim 10, **Nomura** discloses the distribution request management apparatus according to claim 9, yet does not explicitly suggest wherein a space for requests for distribution of signals including data of each of one or plural specific contents is held to correspond to a reserved number set arbitrarily within a range not larger than said maximum number.

However, **Kochanski** teaches a reserved number is set arbitrarily within a range not larger than said maximum number (*a minimum paid-for volume of download requests, and a maximum volume of download requests* **[0025]**), and a space for requests for distribution of signals including data of each of one or plural specific contents is held to correspond to said reserved number (*include the total amount of storage space that is available for file storage, and, for each specified time interval, the amount of bandwidth that is available for servicing download requests* **[0025]**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of **Kochanski** related to servicing download requests on the method of **Nomura** to implement a minimum paid-for volume of download requests in order to provide a guaranteed minimum volume of download requests (see **[0025] of Kochanski**).

Re claim 11, **Nomura- Kochanski** discloses a distribution request management apparatus according to claim 10, wherein when it is concluded that the number of requests for distribution of signals including data of each of said specific contents is larger than said reserved number and not larger than an upper limit reserved number

set arbitrarily within a range not smaller than said reserved number (*impose an upper limit on the permissible volume of download requests that it receives,* **Kochanski [0025]**), said requests for distribution of signals are sent to said content providing server as long as the number of said requests is within a range of a number obtained by subtracting said reserved numbers assigned for said specific contents from said maximum number (*the range for the number of requests is at least for a guaranteed minimum volume of download requests and at most and a maximum volume of download requests* **Kochanski [0025]**).

Re claim 13, **Nomura- Kochanski** discloses a distribution request management apparatus according to claim 10, wherein when it is concluded that reservation start conditions are satisfied for requests for distribution of signals including data of one of said specific contents (*Bids will typically be for cache resources reserved for discrete blocks of time, beginning at the current time or a stated future time* **Kochanski [0028]**), a free space is assigned to said requests so as to secure a space corresponding to said set reserved number until said assigned free space reaches said reserved number (*include the total amount of storage space that is available for file storage* **[0025]**) as long as said assigned free space is within a range of a number obtained by subtracting said reserved numbers assigned for said specific contents from said maximum number (*the range for the number of requests is at least for a guaranteed minimum volume of download requests and at most and a maximum volume of download requests* **Kochanski [0025]**).

Re claim 14, **Nomura- Kochanski** discloses a distribution request management apparatus according to claim 10, wherein when it is concluded that reservation termination conditions are satisfied for requests for distribution of signals including data of one of said specific contents, said held space corresponding to said reserved number is released (*The connection judging process unit 90 notifies the received LSP identifier to the path setting unit 80 and the path setting unit 80 releases this LSP to effectively use the resources* **Nomura [0147]**).

Re claim 18, **Nomura** discloses a program of a distribution request management method according to claim 17, wherein the method further comprises:

determining whether said distribution request instructions included in the signals transmitted are instructions of requests to distribute signals including data of a specific one of said contents or not (*client CL (for example, CL1) transmits a packet (connection request packet) including a connection request message to the server SV (for example, SV1)* **[0042]**);

Nomura does not explicitly suggest determining whether the number of said signals transmitted is a number within a range not larger than a reserved number set arbitrarily for said specific one of said contents when it is concluded that said distribution request instructions included in said signals transmitted are instructions of requests to distribute signals including data of said specific one of said contents; and sending said signals including said request instructions to said content providing server provided on

said another communication network when it is concluded that the number of said signals transmitted is a number within a range not larger than said reserved number.

However, **Kochanski** teaches determining whether the number of said signals transmitted is a number within a range not larger than a reserved number set arbitrarily for said specific one of said contents when it is concluded that said distribution request instructions included in said signals transmitted are instructions of requests to distribute signals including data of said specific one of said contents (*a minimum paid-for volume of download requests, and a maximum volume of download requests* **[0025]**);

and sending said signals including said request instructions to said content providing server provided on said another communication network when it is concluded that the number of said signals transmitted is a number within a range not larger than said reserved number (*the range for the number of requests is at least for a guaranteed minimum volume of download requests and at most and a maximum volume of download requests* **Kochanski [0025]**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of **Kochanski** related to servicing download requests on the method of **Nomura** to implement a minimum paid-for volume of download requests in order to provide a guaranteed minimum volume of download requests (see **[0025] of Kochanski**).

Re claim 19, **Nomura- Kochanski** discloses a program of a distribution request management method according to claim 18, wherein the method further comprises:

determining whether the number of said signals transmitted is a number within a range not larger than an upper limit reserved number (*upper limit number for connections to the server can also be limited for every application,* **Nomura [0100]**) set to be not smaller than said reserved number, or not, when it is concluded that the number of said signals transmitted is not a number within a range not larger than said reserved number (*impose an upper limit on the permissible volume of download requests that it receives,* **Kochanski [0025]**);

determining whether the number of said signals transmitted is a number within a range not larger than a remaining number obtained by subtracting reserved numbers assigned to specific ones of said contents from said maximum number of distributable signals, or not, when it is concluded that the number of said signals transmitted is a number within a range not larger than said upper limit reserved number (*the range for the number of requests is at least for a guaranteed minimum volume of download requests and at most and a maximum volume of download requests* **Kochanski [0025]**); and

sending said signals transmitted including said request instructions to said content providing server provided on said another communication network when it is concluded that the number of said signals transmitted is a number within a range not larger than said remaining number (*guaranteed minimum volume whether or not the actual requests reach such a volume* **Kochanski [0025]**).

Re claim 21, **Nomura- Kochanski** discloses a program of a distribution request management method according to claim 18, wherein the method further comprises:

if it is concluded that reservation start conditions are satisfied for requests for distribution of signals including data of a specific one of said contents (*Bids will typically be for cache resources reserved for discrete blocks of time, beginning at the current time or a stated future time* **Kochanski [0028]**), said computer is made to execute said process of sending said signals transmitted including said request instructions to said content providing server until the number of said signals transmitted reaches said set reserved number (*include the total amount of storage space that is available for file storage* **[0025]**) only when it is concluded that said instructions are instructions of requests for distribution of signals including data of said specific one of said contents number (*the range for the number of requests is at least for a guaranteed minimum volume of download requests and at most and a maximum volume of download requests* **Kochanski [0025]**).

Re claim 22, **Nomura- Kochanski** discloses a program of a distribution request management method according to claim 18, wherein said method further comprises:

if it is concluded that reservation termination conditions are satisfied for requests for distribution of signals including data of a specific one of said contents, preventing said determining whether said instructions are instructions of requests for distribution of signals including data of said specific one of said contents (*The connection judging*

process unit 90 notifies the received LSP identifier to the path setting unit 80 and the path setting unit 80 releases this LSP to effectively use the resources **Nomura [0147]**).

13. **Claims 4, 12, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nomura, in view of Kochanski, as applied to claims 3, 11, and 19 above, further in view of Mani-Meitav et al. (US 7082456), hereinafter referred to as Mani-Meitav.**

Re claim 4, **Nomura- Kochanski** discloses the distribution request management method according to claim 3, yet does not explicitly suggest wherein for contents for which said upper limit reserved number is set at 0, said signal distribution requests are not sent to said content providing servers.

However, **Mani-Meitav** teaches wherein for contents for which said upper limit reserved number is set at 0, said signal distribution requests are not sent to said content providing servers (*the number of active connections and with the throughput capabilities thereof, accepting user requests when the limit is respected, and suspending acceptance of user requests when the limit is exceeded* **[col 5. lines 17-30]**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of **Mani-Meitav** related to user requests on the internet on the combined teachings of **Nomura- Kochanski** to suspend user requests after reaching a set threshold limit in order to assist throughput reliability (see **[col 5. lines 17-30] of Mani-Meitav**).

Re claim 12, **Nomura- Kochanski** discloses a distribution request management apparatus according to claim 11, yet does not explicitly suggest wherein when it is concluded that said upper limit reserved number for a specific one of said contents is set at 0, said requests for signal distribution including data of said specific one of said contents are not sent.

However, **Mani-Meitav** teaches wherein for contents for which said upper limit reserved number is set at 0, said signal distribution requests are not sent to said content providing servers (*the number of active connections and with the throughput capabilities thereof, accepting user requests when the limit is respected, and suspending acceptance of user requests when the limit is exceeded* **[col 5. lines 17-30]**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of **Mani-Meitav** related to user requests on the internet on the combined teachings of **Nomura- Kochanski** to suspend user requests after reaching a set threshold limit in order to assist throughput reliability (see **[col 5. lines 17-30] of Mani-Meitav**).

Re claim 20, **Nomura- Kochanski** discloses a program of a distribution request management method according to claim 19, yet does not explicitly suggest wherein the method further comprises:

preventing said signals transmitted including said request instructions from being

sent to said content providing server provided on said another communication network when it is concluded that said upper limit reserved number is set at 0 for said signals transmitted including said instructions of requests to distribute signals including data of said specific one of said contents.

However, **Mani-Meitav** teaches preventing said signals transmitted including said request instructions from being sent to said content providing server provided on said another communication network when it is concluded that said upper limit reserved number is set at 0 for said signals transmitted including said instructions of requests to distribute signals including data of said specific one of said contents (*the number of active connections and with the throughput capabilities thereof, accepting user requests when the limit is respected, and suspending acceptance of user requests when the limit is exceeded* **[col 5. lines 17-30]**)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of **Mani-Meitav** related to user requests on the internet on the combined teachings of **Nomura- Kochanski** to suspend user requests after reaching a set threshold limit in order to assist throughput reliability (see **[col 5. lines 17-30] of Mani-Meitav**).

14. **Claims 8, 16, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nomura, as applied to claim 1 above, further in view of Koshino (US 20020065035).**

Re claim 8, **Nomura** discloses a distribution request management method according to claim 1, yet does not explicitly suggest wherein said one communication network is a mobile communication network performing wireless communication with mobile terminal devices.

However, **Koshino** teaches one communication network is a mobile communication network performing wireless communication with mobile terminal devices (*reception station 100 and the contents distribution station 200 communicate with each other through wireless channels* **fig. 1 and [0024]**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of **Koshino** related to a content distribution network on the method of **Nomura** to provide a wireless communication network in order to broadcast requests for distribution of contents through wireless means (see **fig. 1 and [0024] of Koshino**).

Re claim 16, **Nomura** discloses a distribution request management apparatus according to claim 1, yet does not explicitly suggest wherein said one communication network is a mobile communication network performing wireless communication with mobile terminal devices.

However, **Koshino** teaches one communication network is a mobile communication network performing wireless communication with mobile terminal devices (*reception station 100 and the contents distribution station 200 communicate with each other through wireless channels* **fig. 1 and [0024]**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of **Koshino** related to a content distribution network on the method of **Nomura** to provide a wireless communication network in order to broadcast requests for distribution of contents through wireless means (see **fig. 1 and [0024] of Koshino**).

Re claim 24, **Nomura** discloses a computer-readable medium storing a program which, when executed by a computer, performs the distribution request management method according to claim 1, yet does not explicitly suggest wherein said one communication network is a mobile communication network performing wireless communication with mobile terminal devices.

However, **Koshino** teaches one communication network is a mobile communication network performing wireless communication with mobile terminal devices (*reception station 100 and the contents distribution station 200 communicate with each other through wireless channels* **fig. 1 and [0024]**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of **Koshino** related to a content distribution network on the method of **Nomura** to provide a wireless communication network in order to broadcast requests for distribution of contents through wireless means (see **fig. 1 and [0024] of Koshino**).

Response to Arguments

15. Applicant's arguments filed 05/22/2009, with respect to the rejection(s) of claim(s) 1-24 under 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Conclusion

16. A shortened statutory period for reply to this action is set to expire THREE MONTHS from the mailing date of this action. An extension of time may be obtained under 37 CFR 1.136(a). However, in no event, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID YI whose telephone number is (571) 270-7519. The examiner can normally be reached on Mon-Fri 7:30am-5pm, Alternating Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Yi/
Examiner, Art Unit 2441

/Wing F. Chan/
Supervisory Patent Examiner,
Art Unit 2441